

**From:** 72975-61795920@requests.muckrock.com  
**Sent:** Friday, May 10, 2019 5:30 PM  
**To:** OpenRecords  
**Subject:** Texas Public Information Act Request: Follow up

CAUTION: This email originated from outside of the Credit Union Department's email system.  
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Texas Credit Union Department  
Texas Public Information Act Office  
Credit Union Department  
914 E. Anderson Lane  
Austin, TX 78752

May 10, 2019

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

A copy of any letters sent regarding my previous Texas Public Information Act request. The specific request referenced here is the one in which Carla released confidential information. Please let me know if you require any additional information to identify these documents.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

John Ricker

Filed via MuckRock.com

E-mail (Preferred): 72975-61795920@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Ftexas-credit-union-department-17255%252Ffollow-up-72975%252F%253Femail%253Dopenrecords%252540cud.texas.gov&url\\_auth\\_token=AABS6VfolgYsYzUBuRfYqvhbst8%3A1hPE1C%3AUHyC3Co9t-BGXizuoCZxCJi69io](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Ftexas-credit-union-department-17255%252Ffollow-up-72975%252F%253Femail%253Dopenrecords%252540cud.texas.gov&url_auth_token=AABS6VfolgYsYzUBuRfYqvhbst8%3A1hPE1C%3AUHyC3Co9t-BGXizuoCZxCJi69io)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72975  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





## CREDIT UNION DEPARTMENT

John J. Kolhoff  
Commissioner

Robert W. Etheridge  
Deputy Commissioner

February 28, 2019

Caroline Willard, President/CEO  
Cornerstone Credit Union League  
6801 Parkwood Blvd., Ste 300  
Plano, Texas 75024

Re: Proprietary Information Request

Dear Ms. Willard:

We have received a formal request for information concerning exams and the dates of the exams. A copy of the request for information is enclosed. The requested information will affect all state-chartered credit unions.

The Office of the Attorney General is reviewing this matter, and they will be issuing a decision on whether Texas law requires us to release the dates of the exams. Normally the Public Information Act (the Act) requires us to release the requested information, but there are exceptions. You have the right to object to the release of this information by submitting written arguments to the attorney general that one or more of the exceptions apply to this information. This is not a requirement but saying nothing could cause the release of all credit unions and the dates of the examination(s).

If you submit an argument you must follow the guidelines of Gov't Code § 552.305(d) and the following:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each item that are covered by the exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(e) requires you to provide a copy of your argument(s) to the requestor of the information. If there is information in your argument that you believe the requestor should not have you may redact.

Comments must be submitted to the Attorney General within 10 days after receiving this letter. The arguments can be sent to:

Office of the Attorney General  
Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

Caroline Willard, President/CEO  
Cornerstone Credit Union League  
February 28, 2019  
Page 2

If you wish to submit your comment electronically, you may only do so via the Office of the Attorney General's eFiling System. You will be charged an administrative convenience charge for the use of the eFiling System. This is the only electronic submission available. For more information please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,



Robert W. Etheridge  
Deputy Commissioner

RWE/cjb

Enclosures (2)



## CREDIT UNION DEPARTMENT

John J. Kolhoff  
Commissioner

Robert W. Etheridge  
Deputy Commissioner

February 28, 2019

Melodie Durst, Executive Director  
Credit Union Coalition of Texas  
PO Box 171089  
Austin, Texas 78717-1089

Re: Proprietary Information Request

Dear Ms. Durst:

We have received a formal request for information concerning exams and the dates of the exams. A copy of the request for information is enclosed. The requested information will affect all state-chartered credit unions.

The Office of the Attorney General is reviewing this matter, and they will be issuing a decision on whether Texas law requires us to release the dates of the exams. Normally the Public Information Act (the Act) requires us to release the requested information, but there are exceptions. You have the right to object to the release of this information by submitting written arguments to the attorney general that one or more of the exceptions apply to this information. This is not a requirement but saying nothing could cause the release of all credit unions and the dates of the examination(s).

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- a) identify the legal exceptions that apply,
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Office of the Attorney General  
Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

Melodie Durst, Executive Director  
Credit Union Coalition of Texas  
February 28, 2019  
Page 2

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Sincerely,



Robert W. Etheridge  
Deputy Commissioner

RWE/cjb

Enclosures (3)



## CREDIT UNION DEPARTMENT

John J. Kolhoff  
Commissioner

Robert W. Etheridge  
Deputy Commissioner

February 28, 2019

Office of the Attorney General  
Price Daniel Building—6<sup>th</sup> Floor  
P.O. Box 12548  
Austin, Texas 78711-2548

Re: Request for Ruling: Public Information Request from John Ricker via MuckRock News

Dear Sir/Madam:

On February 8, 2019, the Credit Union Department (“the Department”) received a request for information under the Texas Public Information Act; the Department asked the requestor for clarification and received a response on February 8, 2019 (Exhibit A).

The request specifically asked for *“a list of credit unions that have had exams for the past two years and the dates they had the exams(/audits).”*

On February 19, 2019, the Department notified your office it would seek confirmation as to whether the dates of examination reports requested should be withheld under Government Code §§552.101, 552.110(b), and 552.112, as confidential under Finance Code §126.002. The Department sent a copy of the request for decision to the requestor.

In accordance with §552.301(e), and within fifteen business days of the receipt of the request for information, the Department is now submitting written comments stating why the requested information should not be released.

### INTRODUCTION

The Texas Credit Union Department supervises and regulates state-chartered credit unions and is tasked by Finance Code §126.051 to periodically examine the books and records of each credit union. Texas Administrative Code §97.105 clarifies periodically to be at least once during each 12-month period with some intervals extended to a maximum of 18 months, if the institution’s safety and soundness permits the extension. However, examination reports can and are performed more frequently at institutions experiencing financial issues or perceived to be a higher regulatory concern by the Department. In practice, to facilitate the workout of such credit unions, problematic institutions are typically examined two to four times more frequently than those exhibiting strong characteristics.

In the course of regulation, the Department obtains information on the financial condition or business affairs of those credit unions and credit union members through an examination. Finance Code §126.002(a) designates this information obtained as confidential. Further §126.054(c) designates the examination report to be confidential. Finally, §555.112(a) allows exception to the Public Information Act if it is information “contained in or relating to” the examination of a financial institution.

The Department does agree to release a list of credit unions examined over the two-year period. However, the Department believes releasing examination report dates can have a negative impact on the reputation of individual credit unions in problematic status or inappropriately provide the Department’s “stamp of approval” on credit unions currently perceived as highly safe and sound.

Therefore, providing a listing of examination dates, or the number of times an institution was examined, would indicate the level of regulatory concern the Department has regarding an institution and therefore infer the FFIEC CAMELS rating assigned by this agency potentially causing harm to certain institutions and in contravention with the records exemption noted by Government Code §552.110(b).

Providing such information to the public is in contravention with Texas Finance Code, Title 3, Subtitle D: Sec. 121.0011 outlining the Departments purpose and Texas state policy to promote public confidence within the credit union industry while maintaining the Department’s independence, and confidentiality of judgement.

**To meet the statutory exceptions to the Public Information Act the Department is providing our proposed response to the requestor as outlined in Exhibit B.**

#### **CERTAIN INFORMATION REQUESTED IS CONFIDENTIAL BY STATUTE**

**The Department is seeking a determination that the records are confidential by law under Finance Code §126.002 and, accordingly, are excepted from disclosure by Government Code §552.101.**

As set out below, these are the records that Finance Code §§126.002 and 126.054(c) require to be kept confidential.

Finance Code §126.002(a) provides:

#### **CONFIDENTIALITY.**

- (a) Except as provided by Subsections (b) and (c), information obtained directly or indirectly by the department in any manner, including by application or examination, concerning the financial condition or business affairs of a credit union and the files and

records of the department relating to that information, except a statement intended for publication, are confidential.

(Subsections (b) and (c), relating to disclosure of information to a share and deposit guaranty corporation or to a law enforcement agency or other state or federal agency, or for the purposes of enforcement of the order, are not relevant in this case.)

Finance Code §126.054(c) provides:

**REPORT OF EXAMINATION.**

(c) The report of examination is confidential. The commissioner may provide a copy of the report to other parties as described in Section 126.002(c).

The dates sought by the requestor were compiled by the Department from information obtained during the examination process, both directly from department observations and indirectly, from another agency, and concern the financial condition and business affairs of the credit union. Should the dates be released, it could have a detrimental effect on the reputation and financial stability of individual credit unions and the credit union industry in general. This could have a detrimental effect on the Department's supervision of credit unions.

Under Finance Code §§126.002(a) and 126.054(c), the documents are confidential and should be protected from disclosure under Government Code §552.101.

**In addition, and in the alternative, the Department is seeking a determination that the dates are excepted from disclosure by Government Code §552.112(a) and §552.110(b).**

Government Code § 552.112(a) provides:

“Information is excepted from the requirements of Section 552.021 if it is information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.”

Government Code § 552.110(b) provides:

“Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from the requirements of Section 552.021

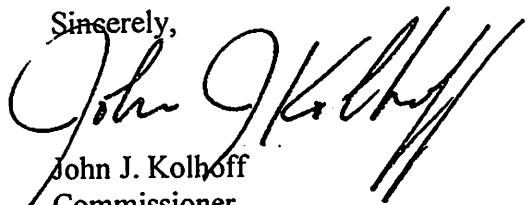
The dates in question relate to the examination, operating, or condition reports prepared by and for the Department. As noted above, the Department is responsible for the regulation and supervision of state-chartered credit unions. Providing the requested information could cause reputational and financial harm to impacted institutions. For these reasons and the reasons stated above, the dates

Office of the Attorney General  
Price Daniel Building—6<sup>th</sup> Floor  
February 28, 2019  
Page 4

are confidential and protected from disclosure.

In accordance with §552.301(e-1) a copy of these comments is being sent to the requestor. Please call me at (512) 837-9236 if you need additional information regarding this request.

Sincerely,



John J. Kolhoff  
Commissioner

JK/cjb

Enclosures

cc: John Ricker via MuckRock.com  
Cornerstone Credit Union League  
Credit Union Coalition of Texas

**COMPANY**

1st University Credit Union  
A New Direction Credit Union  
Access Community Credit Union  
ACU Credit Union  
Alamo City Credit Union  
ALLIANCE Credit Union  
Alpine Community Credit Union  
Amarillo Postal Employees Credit Union  
American Baptist Association Credit Union  
America's Credit Union  
Amplify Credit Union  
Angelina County Teachers Credit Union  
Angelina Federal Employees Credit Union  
Associated Credit Union of Texas  
Baptist Credit Union  
Baylor Health Care System Credit Union  
Beaumont Community Credit Union  
Brazos Community Credit Union  
Brazos Valley Schools Credit Union  
Cabot & NOI Employees Credit Union  
Capitol Credit Union  
Caprock Santa Fe Credit Union  
Centex Citizens Credit Union  
Cen-Tex Manufacturing Credit Union  
Central Texas Teachers Credit Union  
City Credit Union  
Coastal Community And Teachers Credit Union  
Coburn Credit Union  
Community Resource Credit Union  
Community Service Credit Union  
Concho Valley Credit Union  
Cooperative Teachers Credit Union  
Corner Stone Credit Union  
Corpus Christi Postal Employees Credit Union  
Corpus Christi SP Credit Union  
Credit Union of Texas  
CTECU  
Dallas U.P. Employees Credit Union  
DATCU  
Del Rio S.P. Credit Union  
Doches Credit Union  
E E South Texas Credit Union  
East Texas Professional Credit Union  
Eastex Credit Union  
Edinburg Teachers Credit Union  
Education Credit Union  
Educators Credit Union

EECU  
Energy Capital Credit Union  
Everman Parkway Credit Union  
Federal Employees Credit Union  
FedStar Credit Union  
First Basin Credit Union  
First Central Credit Union  
First Class American Credit Union  
First Community Credit Union  
First Priority Credit Union  
First Service Credit Union  
Firstmark Credit Union  
FivePoint Credit Union  
Fort Worth City Credit Union  
Fort Worth Community Credit Union  
Freestone Credit Union  
Galveston Government Employees Credit Union  
GECU  
Germania Credit Union  
Grand Prairie Credit Union  
Gulf Credit Union  
Highway District 19 Employees Credit Union  
Highway District 2 Credit Union  
Highway District 9 Credit Union  
Highway Employees Credit Union  
Hockley County School Employees Credit Union  
Houston Highway Credit Union  
IBEW Local #681 Credit Union  
InterCorp Credit Union  
InTouch Credit Union  
InvesTex Credit Union  
Jafari No-Interest Credit Union  
Keystone Credit Union  
LCRA Credit Union  
Lehrer Interests Credit Union  
LibertyOne Credit Union  
Light Commerce Credit Union  
Linkage Credit Union  
Lone Star Credit Union  
Longview Consolidated Credit Union  
Lubrizol Employees' Credit Union  
Martin Luther King Credit Union  
Matagorda County Credit Union  
MCT Credit Union  
Members Choice Credit Union  
Members Credit Union  
Members First Credit Union  
MemberSource Credit Union

Memorial Credit Union  
Mesquite Credit Union  
Metro Medical Credit Union  
Midland Municipal Employees Credit Union  
Midwestern State University Credit Union  
Mobility Credit Union  
MTCU  
My Community Credit Union  
My Credit Union  
National Oilwell Varco Employees Credit Union  
Navarro Credit Union  
Navy Army Community Credit Union  
NCE Credit Union  
Neighborhood Credit Union  
North East Texas Credit Union  
Oak Farms Employees Credit Union  
Odessa Employees Credit Union  
Orange County Teachers Credit Union  
Pampa Municipal Credit Union  
Paris District Credit Union  
Pasadena Postal Credit Union  
PIE Credit Union  
Plus4 Credit Union  
Pollock Employees Credit Union  
Port of Houston Credit Union  
PosTel Family Credit Union  
Prestige Community Credit Union  
Public Employees Credit Union  
Reed Credit Union  
Reeves County Teachers Credit Union  
RelyOn Credit Union  
Resource One Credit Union  
Rio Grande Valley Credit Union  
Schlumberger Employees Credit Union  
Scott and White Employees Credit Union  
Service 1st Credit Union  
Shared Resources Credit Union  
Skel-Tex Credit Union  
Smart Financial Credit Union  
South Texas Area Resources Credit Union  
Southern Star Credit Union  
Southwest 66 Credit Union  
Southwest Heritage Credit Union  
Space City Credit Union  
SPCO Credit Union  
Star of Texas Credit Union  
Sweetex Credit Union  
T & FS Employees Credit Union

Tarrant County's Credit Union  
Telco Plus Credit Union  
Temple Santa Fe Community Credit Union  
Tex Mex Credit Union  
Texans Credit Union  
Texas Bay Credit Union  
Texas Bridge Credit Union  
Texas Dow Employees Credit Union  
Texas DPS Credit Union  
Texas Health Credit Union  
Texas Telcom Credit Union  
Texas Trust Credit Union  
Texell Credit Union  
Texoma Community Credit Union  
THD 6 Credit Union  
THD District 17 Credit Union  
The Electric Utilities Credit Union  
Trans Texas Southwest Credit Union  
Travis County Credit Union  
Trinity Valley Teachers Credit Union  
TxDOT Credit Union  
Tyler City Employees Credit Union  
U.S. Employees Credit Union  
Union Pacific Employees Credit Union  
Union Square Credit Union  
United Community Credit Union  
United Credit Union  
United Energy Credit Union  
United Heritage Credit Union  
United Savers Trust Credit Union  
United Texas Credit Union  
Unity One Credit Union  
VATAT Credit Union  
Velocity Credit Union  
Ward County Credit Union  
West Texas Credit Union  
WesTex Community Credit Union  
Wharton County Teachers Credit Union  
Witco Houston Employees Credit Union  
ZZFellowship Credit Union  
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zzPromise Credit Union  
zzSAFE Credit Union